

Human Trafficking and Exploitation – Nail Bars

Policy Proposal

Nail bars have been identified by Police Scotland and the Independent Anti-Slavery Commissioner as an industry in which there are documented instances of trafficking and exploitation. As part of our commitment to contributing to the [Trafficking and Exploitation Strategy](#) local authorities are asked to consider whether they would pilot the licensing of nail bars under the Civic Government (Scotland) Act 1982.

Summary and Recommendations

There is an opportunity to consider whether local authorities have the power to license nail bars in Scotland under the Civic Government (Scotland) Act 1982.

The Board is invited to:

- i. Consider whether nail bars could be licensed using public entertainment licences; and
- ii. Indicate whether their local authority would be interested in pursuing this approach with support from COSLA and Police Scotland.

References

Previous reports covering human trafficking and exploitation:

- Community Well-Being Board September 2017 – Human Trafficking and Exploitation
- Community Well-Being Executive Group December 2016 – Human Trafficking – Trafficking and Exploitation Strategy

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Policy Proposal

1. Nail bars have been identified by Police Scotland and the Independent Anti-Slavery Commissioner as an industry in which there are documented instances of trafficking and exploitation. As part of our commitment to contributing to the [Trafficking and Exploitation Strategy](#) local authorities are asked to consider whether they would pilot the licensing of nail bars under the Civic Government (Scotland) Act 1982.

Current COSLA position

2. COSLA has no current position on the licensing of nail bars, however members may wish to note COSLA's wider work to tackle human trafficking and our support for councils to identify and support victims of human trafficking in our communities.

Nail Bar Licensing

3. Nail bars are currently unregulated and are vulnerable to being used by traffickers. Nail bars are present within many Scottish communities and are used by large numbers of the public from Glasgow to Inverness to Kirkwall. The Independent Anti-Slavery Commissioner's [annual report](#) and [research into the trafficking of Vietnamese nationals](#) recommended that the regulation of nail bars be explored. The research additionally found that most of the Vietnamese who had been identified as having been exploited while working in nail bars were under 18. Police Scotland have indicated significant interest and support were local authorities able to introduce the licensing of nail bars.
4. The Board is asked to consider possibilities for introducing the licensing of nail bars in Scotland. This would allow local authorities to apply conditions to the license which would protect employees from trafficking and exploitation. This would have the benefit of improving communities by preventing exploitation in this industry. The Board is asked to consider whether their local authority would consider piloting the licensing of nail bars under the Civic Government (Scotland) Act 1982. In addition, this would give powers of entry to Police Scotland and enable officers to address any nail bars which were operating without a license. This would support lawful businesses by ensuring there is a level playing field and they are not undercut by employing exploitative practice.
5. The Act enables local authorities to license a number of activities through public entertainment licences (PEL). Local authorities are able to define by resolution what activities require a licence. These vary across local authorities but frequently include premises offering sun-tanning, gyms, massage, music venues, fireworks etc. There is therefore the opportunity for local authorities to consider whether under the legislation they would be able to pass a resolution to include nail bars in the scope of premises requiring a PEL.
6. There is the risk that should a local authority could be found to be acting *ultra vires*, that is going beyond the scope of the intended legislation, by passing a resolution which includes nail bars in the definition. Local authorities would need to consider the risks and implications of a potential challenge in court.

Proposed COSLA position

7. Members are asked whether their local authority would be interested in considering including nail bars in the scope PEL. If so COSLA will facilitate further discussions with the local authority and Police Scotland to identify any appropriate pilots to ensure that

the local authority, community and businesses are appropriately supported. This could significantly contribute to removing the risk of trafficking and exploitation within this industry.

Summary and Recommendations

8. There is an opportunity to consider whether local authorities have the power to licence nail bars in Scotland under the Civic Government (Scotland) Act 1982.
9. The Board is invited to:
 - iii. Consider whether nail bars could be licensed using public entertainment licences;
 - iv. Indicate whether their local authority would be interested in pursuing this approach with support from COSLA and Police Scotland.

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